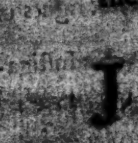
THE DECLARATION OF JAMES DUKE of MONMOUTH,

&

The *Noblemen*, *Gentlemen* & others, now in *Arms*, for Defence & vindication of the *Protestant Religion*, & the *Laws*, *Rights*, & *Privilieges* of *England*, from the Invasion made upon them: & for Delivering the Kingdom from the Usurpation & Tyranny of

JAMES DUKE of YORK.



AS *Government* was originally Instituted by *God*, & *this* or *that* forme of it chosen and substituted by *Men*, for the peace happiness & security of the *Government*, & not for the private Interest, & personall greatness of those that Rule: *To that Government* hath been always esteemed the *best* where the supreme Magistrates have been vested with all the power & prerogatives that might Capacitate them, not only to preserve the people from violence & oppression, but to promote their *prosperity*, & yet where nothing was to belong to them by the Rules of the Constitution, that might enable them to injure and oppress them.

And it hath been the Glory of *England* above most other Nations, that the *Prince* had all intrusted with him that was necessary either for advancing the wellfare of the people, or for his own protection in the discharge of his Office, & with all stood so limited & restrained by the fundamentall Termes of the *Constitution*, that without a violation of his own Oath, as well as the Rules, & measures of the *Government*, he could do them no hurt, or exercise any act of

of *Authority*, but through the administration of such hands, as stood obnoxious to be punished in case they transgressed. So that according to the *primitive Frame* of the *Government*, the prerogatives of the Crown, & priviledges of the subject, were so far from justling one another; that the rights reserved unto the *People*, tended to render the *King* honorable & Great; and the prerogatives setled on the *Prince*, were in order to the subjects protection & safety.

But all humane things being liable to pervertion, as well as decay; it hath been the fate of the *English Government*, to be often changed, & wrested from what it was, in the first setlement & Institution. And wee are perticularly compelled to say, that all the boundaries of the Government have of late been broken, & nothing left unattempted. for turning our *limited Monarchy* into an *absolute Tyranny*. For such hath been the transactions of affaires within this Nation for severall Years last past, that tho the *Protestant Religion*, & *Liberyes* of the people, were fenced & hedg'd about, by as many *Laws*, as the Wisdome of men could devise, for their preservation against *Popery* and *Arbitrary Power*; our *Religion* hath been all a long undermined by *Popish Councells*, and our *Priviledges* ravished from us by fraud & violence. And more especially, the whole course & series of the Life of the present *Usurper*, hath been but one continued conspiracy against the *Reformed Religion*, & rights of the *Nation*.

For whosoe ver considers his contriving *the burning of London*; his Instigating a confederacy with *France*, and a *Warr* with *Holland*; his fomenting the *popish Plot*; and incouraging the *Murther* of *Sr. Edmund-Bury-Godfry* to Stifle it; his forging *Treason* against *Protestants*; & *suborning witnesses* to sweare the *Patriots* of our Religion & liberties out of their Lives; his hireing execrable Villaines to assassinate the late *Earle of Essex*; and causing severall others to be Claudestinly cut off in hopes to conceale it; his advising and procuring the *Prorogation* and *Dissolution* of *Parliaments*, in order to prevent enquiry into his Crimes, & that he might escape the *justice* of the Nation: such can imagine nothing so black and horrid in it selfe; or so ruinous & destructive to Religion, and the Kingdome, which we may not expect from him, upon his having *invaded* the *Throne*; and *usurped* the Title of a King. The very *Tyrannies* which he hath exercised, since he snatched the *Crown* from hi Brothers head, do leave none under a possibility of flatering themselves, with hopes of safety either in their consciences, persons, or Estates.

For in defiance of all the Laws & Statutes of the *Realme*, made for the security of the *Reformed Protestant Religion*, he not only began his Usurpation and pretended Reign, with a bare faced avowing himselfe of the *Romish Religion*, but hath call'd in multitudes of *Preists* & *Iesuits* (for whom the Law makes it *treason* to come into the Kingdom) and hath impower'd them to exercise their

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Idolatries, and besides his being dayly present at the worship of the *Masse*, hath publickly assisted at the *grossest Fopperies* of their superstition.

Nor hath he been more tender in trampling upon the *Laws* which Concerne our *Properties*, seeing by two Proclamations, whereof the one requires the collecting of the *Customes*, & the other the continuing that part of the *Excise* which was to expire with the late Kings death, he hath violently & against all the Laws of the Land broken in upon our *Estates*. Neither is it any extenuation of his usurpation & Tyranny, that he is countenanced in it by an *extra Judiciall opinion of seven or eight suborned & forsworne Judges*: that rather declaring the greatness and extent of the conspiracy against our Rights, and that there is no meanes left for our releise, but by *force* & *Armes*. For advancing those to the *Bench*, who were the scandal of the *Barr*; and Constituting those very men to *declare* the *Laws*, who were accused & branded in Parliament for *perverting them*; Wee are precluded all hopes of redress in *Westminster-Hall*: and through packing to gather by *false returnes*, new *Illegall Charters*, & other corrupt meanes, a company of men which he intends to stile a *Parliament*; he doth at once deprive us of all expectation of *succour*, where our *Ancestors* were wont to find it: and hopes to render *that* which ought to be the peoples *fence* against *Tyranny*, & the conservators of their *Liberties*, the meanes of subverting all our *Laws*, & of establishing his *Arbitraryness*, & confirming our thraldome. So that *unless* Wee could be contented to see the *reformed Protestant Religion*, and such as profess it *extirpated*; popish *superstition* and *Idolatry* established; the *Laws* of the Land Trampled under foot; the *Liberties* & rights of the *English people* subverted; all that is *Sacred*, and *Civil*, or of regard amongst men of Piety, or Virtue Violated; and an *Usurper* Tyrannising on the Throne: and unless Wee could be willing to be *Slaves* as well as *Papists*; & forget the example of our noble & generous *Ancestours*, who conveyed our *Priviledges* to us at the expence of their blood & treasure; and with all be un mindfull of our *duty* to *God*, our *Country and Posterity*; deafe to the cries & groanes of our *oppressed Freinds*; and be satisfyed not only to see *them* and *our selves* Imprison'd, robb'd, & murthered; but the *Protestant Interest* throughout the whole world, betrayed to *France* & *Rome*. Wee are bound as *Men* & *Christians* and that in discharge of our duty to *God*, & our *country*, and for satisfaction of the expectations of the *Protestant Nations* round about us, to betake our selves to *Armes*: which wee call Heaven & Earth to witnes, wee should not have done; had not the *Malice* of our *Enemies* deprived us of all other meanes of redress, and were not the *miseries* wee already feele, & *those* which do further threaten us, worse then the Calamities of *Warr*.

And it is not for any *personall injuries* or private discontents, nor in pursuance of any corrupt Interest, that wee take our swords into our hands; but for

Vindicating our *Religion*, *Lawes*, & *Rights*, and rescueing our *Country* from ruin & destruction: and for preserving our selves, Wives & Children, from *Bondage* & *Idolatry*; wherefore before God, Angels, & Men, wee stand acquitted from, & do charge upon our *Enemies*, all the slaughters and devastations, that unavoidably accompany a *Intestine Warr*.

Now therefore Wee do hereby solemnely *declare* & *proclaime Warr* against *JAMES DUKE of YORK*, as a *Murderer*, and an Assassin of Innocent men; *A Popish Usurper* of the Crown; a *Traytor* to the *Nation*; and *Tyrant* over the *People*. And wee would have none that appeare under his *Banners*, to flatter themselves with expectation of forgivenes; it being our firme resolution to prosecute *him* & his *adherents*, without giving way to *Treaties*, or *Accommodations*, untill wee have brought *him*, & *them*, to undergo what the *Rules* of the Constitution, & the *Statutes* of the Realme, as well as the *Lawes* of *Nature*, *Scripture*, & *Nations*, adjudg to be the punishment due to the *Enimies* of God, Mankind, their Countrey, and all things that are honorable, Vertuous, & good.

And thô wee cannot avoid being sensible, that *too Many* have from *Cowardise*, *Covetousness*, & *Ambition*, cooperated to the subverting Religion, & inslaving their Country; Yet Wee would have none from a *despaire* of finding Mercy, persever in their *Crimes*, nor continue to pursue the ruin of the Kingdom. For Wee Exclude none from the benefit of *Repentance*, that shall joyne with us in retreiving what they have been *accessory* to the loss of; nor do wee designe *Revenge* upon any, but the *Obstinate*, and such as shall befound at this Juncture, yeilding *aid* & *assistance* to the said *James Duke of York*.

And that Wee may both Governe our selves in the pursuit of this *Glorious Cause* where in Wee are ingaged, and give encouragement to all that shall *assist us* in so righteous & necessary an Undertaking: Wee do in the *Presence* of the *Lord who knows the secrets of all hearts*, & is the Avenger of Deciept & Falshood, *Proclaime* & publish *what* Wee aim at, & for the obtaining *Where of* Wee have both determined to Venture & are ready to lay down our lives. And thô Wee are not come into the *Feild* to Introduce *Anarchy* & *Confusion*, or for laying aside any *Essentiall part of the old English Government*: Yet our purpose & resolutions are to reduce things to that *Temperament* & *ballance*, that *future Rulers* may remaine able to do all the *good*, that can be either desired or expected from them; and that it may not be in their power to invade the *Rights*, & infringe the *Liberties* of the People.

And Whereas our *Religion* (the most Valuable *blessing* Wee lay claime unto) hath been shaken by *unjust Lawes*; undermined by *Popish Councills*, and is now in danger to be subverted by a *Tyrannous* & *Idolatrous Usurper*. Wee are therfore resolved to spend our blood for preserving *it* to our selves & posterity,

nor

nor will wee lay down our armes, til wee see ...tablished & secured, beyond all probability of being supplanted, and overthrown; and untill all the *penall Laws* against *Protestant Dissenters* be repealed, and legall provision made against their being disturbed by reason of their *Consciences*, and for their enjoying an equall Liberty with *other Protestants*. And that the meekness & purity of our *Principles*, and the moderation & Righteousness of our *Ends*, may appeare unto all men; Wee do declare, that wee will not make *Warr* upon, or destroy *Any*, for their *Religion* how false & erroneous soever: so that the very *Papists*, provided they, Withdraw from the tents of our Enemies and be not found Guilty of Conspiring our destruction, or Abettors of them that seek it, have no thing to fear or apprehend from us, except what may hinder their altering our *Laws*, & endangering our *persons*, in the profession of the reformed Doctrine, and exercise of our Christian Worship.

Our Resolution in the next place is, to maintaine all the just *Rights* & *Priviledges* of *Parliament*, & to have Parliaments annually chosen & held, & not prorogued, dissolved, or discontinued with in the years before petitions be first answered & Grievances Redressed.

And seeing many of the miseries under which the Nation doth groan arise from displacing such out of the Number of *Judges*, as would not for promoting popish & arbitrary designes, wrest & misapply the *Laws*; and from constituting *Corrupt*, & *Mercenary* men in their Roome, on purpose to stretch the Laws beyond the Reason and Intention of them, and to declare that for *Law* which is not: Wee can neither with silence pass over the mentioning of them, nor should wee have peace in our selves, if wee did not endeavor to prevent the like mischeifes in time to come. For by meanes of Ill mens being advanced to the Bench, and holding their places only *durante bene placito*, Many persons have been condemned in Exorbitant fines for *no Crimes*, or for Very *small ones*; many statutes made for the safety of the subject, particularly the *Habeas Corpus Act*, hath been wickedly eluded, to the oppression of Innocent & loyall men; the *Popish Lords* that were Impeached in *Parliament*, for a most Hellish Conjuration, have to the subverting of the rights of the House of Commons, & trampling on the Jurisdiction of the House of Lords, been discharged & set free; the imposing a *malignant Major*, & *Sherriffs*, upon the *City* of *London* by fraud & Violence hath been justified, & those who in discharge of their duty opposed it, illegally prosecuted & arbitrarily punished: *London*, & other Cities & Corporations have been robb'd of their *Charters*, upon unrighteous judgments of pretended forfeitures; *Sr. Thomas Armstrong* executed, without being allowed the benefit of a Tryall; *Colonell Algernon Sydney* condemned to dye upon the deposition of one *scandalous Witnes*: And that loyall & excellent person the late *William Lord Russell* mur-

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dered, for alledged crimes, in reference to which, if all had been truth that was ſworne againſt him, yet there was nothing that according to Law could have reached his life: Wherefore wee do upon the conſiderations a foreſaid further declare, that wee will have care taken for the future, for debarring *ignorant*, *ſcandalous*, & *mercenary* men from the Adminiſtration of *Juſtice*, and that the *Judges* ſhall hold their places by the ancient tenure of *quam diu ſe bene geſſerint*, and do leave it to the wiſdome of a Parliament, to ſettle ſome way & method, for the approbation of ſuch as ſhall be advanced to the degree & dignity of *Judges*.

And foraſmuch as the invaſion made upon the rights of *Cities*, *Burroughes*, & *Towns corporate*, in the ſeiſure of their *charters*, whether by ſurrender, or upon pretence of forfeiture, hath been wholly arbitrary & illegall: Wee likewiſe therefore declare, that wee will to our utmoſt endeavor to ſee them repoſſeſſed in whatſoever they formerly had, & could legally claime before the late *Uſurpation* upon them; and that wee do eſteeme all judgments given againſt them, & all *Surrenders* made by a corrupt & perjur'd party amongſt themſelves, *null & void in Law*; and do hold & declare their *old charters* (notwithſtanding the *new ones* lately granted) to be *good & valid*: And accordingly Wee de invite & incourage all honeſt *Burgeſſes*, & *Freemen*, to reaſſume the Rights & Priviledges, which by virtue of the ſaid old charters belonged to their ſeverall & reſpective corporations, and to deliver themſelves from thoſe Court Paraſites, & inſtruments of tyranny, ſet up to oppreſs them.

More over for reſtoring the Kingdom to its primitive condition of Freedom & ſafety: Wee will have the *corporation*, & *militia Acts*, repealed, and all *Outlawries of treaſon*, againſt any perſon whatſoever upon the late pretended *Proteſtant plot* reverſed; and alſo all other outlawries, banishments, warrants, judgments, impriſonments, abjurations & proceedings, againſt any other perſons, *upon any of the penall ſtatutes made againſt Proteſtant diſſenters*, reverſed & made *null & void*; and Wee will have new Laws enacted, for placeing the Election of *Sherriffes in* the *Freeholders* of the ſeverall Counties; and for ſetling the *Militia* in the reſpective Sheriffs, and for preventing all *military ſtanding Force* except what ſhall be raiſed & kept up, by Authority & conſent of *Parliament*.

And wheras ſeverall Gentlemen, & others, who have been worthy & zealous aſſertors of the Proteſtant Intereſt, & laws of the Kingdom, are now in cuſtody in diverſe priſons within the Realme, upon moſt unjuſt accuſations, pretences, proceedings, & judgments; Wee do hereby further declare their ſaid impriſonments to be *Illegall*, and that in Caſe any violence ſhall be offered to them, or any of them, Wee will revenge it to the utmoſt, upon ſuch of our Enemies as ſhall fall into our hands.

And

And wheras the said *James Duke of York*, in order to the expediting the Idolatrous & bloody designes of the Papists, the gratifying his own boundless ambition after a Crown, and to hinder enquiry into his Assassination of *Arthur Earle of Essex*, *hath poysoned the late King*, and there in manifested his ingratitude, as well as Cruelty, to the world, in murdering *a Brother*, who had almost ruin'd himselfe to preserve & protect him from punishment: Wee doe therefore further declare, that for the aforesaid Villanous and unnaturall Crime, & other his crimes before mentioned, and in pursuance of the *Resolution* of both Houses of *Parliament*, who Voted *to revenge the Kings Death, in Case he came to an untimely end*; Wee will prosecute the said *James Duke of York*, till Wee have brought him to suffer, what the Law adjudged to be the punishment of so excrable a fact. And in a more particular manner, *his Grace the Duke of Monmouth*, being deeply sensible of that barbarous & horrid parricide committed upon his *Father*, doth resolve to pursue the said *James Duke of Yorke*, as a mortall and bloudy Enemy, and will endeavor as well with his own hand, as by the assistance of his Freinds, & the Law, to have justice executed upon him.

And forasmuch as the said *James Duke of Monmouth*, the now *Head* & *Captaine Generall of the Protestant forces* of this Kingdom assembled in pursuance of the Ends aforesaid; hath been, & still is beleived, to have a *legitimate*, *& Legall right*, to the *Crownes* of *England*, *Scotland*, *France* & *Ireland*, with the Dominions thereunto belonging, of which he doubts not in the least, to give the world full satisfaction notwithstanding the means used by the late King his Father, upon popish motives, & at the instigation of the said *James Duke of Yorke*, to weaken & obscure it; *The said James Duke of Monmouth* from the generousness of his own nature, and the Love he beares to these nations, (whose wellfare & setlement he infinitly prefers, to whatsoever may concerne himselfe,) doth not at present insist upon his *Title*, but leaves the determination thereof to the *wisdom*, *justice*, & *authority* of a *Parliament*, *legally chosen & acting with freedom*. And in the time meane doth promise & declare by all that is sacred, that he will in conjunction with the People of *England*, Imploy all the Abilities bestowed upon him by God & Nature, for the reestablishment & preservation of the Protestant reformed Religion in these Kingdomes, and for restoring the Subjects of the same, to a free exercise thereof, in opposition to *Popery*, & *the consequences of it*, *Tyranny* & *Slavery*; To the obtaining of which ends, he doth hereby promise, & oblige himselfe to the people of England, to consent unto, & promote the passing into Laws, all the methods aforesaid; that it may never more be in the power of any single person on the Throne, to deprive the subjects of their Rights, or subvert the fundimentall Laws of the Government designed for their preservation.

And

And Whereas the Nobility, Gentry, & Comons of *Scotland*, are now in arms, upon the like motives, & Inducements that wee are, & in prosecution of ends agreable with ours; Wee doe therefore approve the *justice* of their cause, commend their *Zeale* & *Courage*, expecting *their*, & promiseing *our Assistance*, for carrying on that glorious work wee are *jointly* engaged in.

Being obliged for avoiding tediousnes, to omit recounting *many Oppressions* under which the Kingdom hath groaned, & the giving a Deduction of the several Steps that have been taken for introducing & establishing of popery & Tyranny: Wee think fit therefore to signify, both to our Country men, & Forreigners, that Wee intend, a larger *Manifesto*, & *Remonstrance* of the *Grievances*, *Persecutions*, *Cruelties* & *Tyrannies*, Wee have of late layne under, and therein a more full & particular account of the Unparralleled Crimes of the present *Usurper*.

And Wee make our appeale unto *God*, & all *Protestants Kings*, *Princes*, *States*, & *People*, concerning the *justice* of our Cause, and the necessity wee are reduced unto, of haveing our recourse to *Armes*. And as wee do beseech, require & adjure all *sincere Protestants*, and *true Englishmen*, to be assisting to us against the Enemies of the Gospell, Rights of the Nation, and liberties of mankind; so we are confident of obtayning the ut most ayde & succour which they can yeild us with their *Prayers*, *Persons*, & *Estates*, for the Dethroning the said *Tyrant* & *Popish Usurper*.

Nor do Wee doubt being justifyed, contenanced, & assisted, by all *Protestant Kings*, *Princes*, & *comon Wealths*, Who do either regard the Gospell of Jesus Christ, or their own Interest: and above all our dependance & trust is upon the *Lord of hosts*, in whose name Wee goe forth, & to whom wee commit our cause, and referr the diction betwixt us & our Enemies in the *Day of Battle*. *Now let us play the men, for our People, & for the Cities of our God, and the Lord do that which seemeth good unto him.*

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